

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GREGORY HUGHES,

Plaintiff,

v.

COUNTY OF WASHOE, *et al.*,

Defendants.

3:12-cv-00179-LRH-WGC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge William G. Cobb (#3¹) entered on April 23, 2012, recommending granting Plaintiff's request to proceed *in forma pauperis* (#1) filed on April 4, 2012, and dismissing certain claims. No objection to the Report and Recommendation was filed. The action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation (#3) entered on April 23, 2012, should be adopted and accepted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#3) entered on April 23, 2012, is adopted and accepted, and Plaintiff's request to proceed *in forma pauperis*

¹Refers to court's docket number.

(#1) is GRANTED. The movant herein is permitted to maintain this action to conclusion without the necessity of prepayment of fees or costs. However, this order does not extend to the issuance of subpoenas at government expense.

IT IS FURTHER ORDERED that Count 1, intentional infliction of emotional distress, is **DISMISSED with prejudice** as to defendants Edmondson, Schreinert, and Lynch; **DISMISSED with leave to amend** as to defendants City of Sparks and the unidentified police officers, but Plaintiff is advised that any amended complaint will not be allowed to proceed against the police officers until they are identified; and **DISMISSED with prejudice** as to defendants Ramos and Roper. To the extent Plaintiff alleges that an unidentified Sparks Police Officer improperly referred clients to an attorney, Plaintiff may amend his complaint to add such a claim when he has identified the officer. Finally, as to Plaintiff's allegation that the Sparks Police Department improperly obtained a protective order, Plaintiff has failed to state a colorable claim, and it is **DISMISSED with prejudice**.

IT IS FURTHER ORDERED that Count 2, defamation, is **DISMISSED with leave to amend**.

IT IS FURTHER ORDERED that Count 3, libel, is **DISMISSED with leave to amend**.

IT IS FURTHER ORDERED that Count 4, slander per se, is **DISMISSED with leave to amend**.

IT IS FURTHER ORDERED that Count 5, denial of constitutional rights, is **DISMISSED with prejudice**.

IT IS FURTHER ORDERED that Count 6, false arrest, is **DISMISSED with leave to amend**.

IT IS FURTHER ORDERED that Count 7, false imprisonment, is **DISMISSED with leave to amend**.

IT IS FURTHER ORDERED that Count 8, extortion, is **DISMISSED with prejudice**.

IT IS FURTHER ORDERED that Count 9, denial of medical care under the Fourteenth Amendment, is **DISMISSED with leave to amend**.

IT IS FURTHER ORDERED that Count 10, infliction of financial harm, is **DISMISSED with prejudice**. Plaintiff may assert financial harm as an element of his damages if he is allowed to proceed with an amended claim for defamation.

1 IT IS FURTHER ORDERED that Count 11, false light, is **DISMISSED with leave to amend**.

2 IT IS FURTHER ORDERED that Count 12, First Amendment, is **DISMISSED with prejudice**.

3 IT IS FURTHER ORDERED that Count 13, Fourth Amendment, is **DISMISSED with prejudice**
4 as to defendant **Lynch** and **DISMISSED with leave to amend** as to defendant **Ramos**.

5 IT IS FURTHER ORDERED that Count 14, Fifth Amendment, is **DISMISSED with prejudice**.

6 IT IS FURTHER ORDERED that Count 15, Seventh Amendment, is **DISMISSED with prejudice**.

7 IT IS FURTHER ORDERED that, pursuant to Local Rule 15-1, should Plaintiff choose to file an
8 amended complaint, it shall be complete in itself without reference to any previous complaint. Plaintiff is given
9 thirty (30) days from the date of this order within which to file an amended complaint remedying, if possible,
10 the defects in the complaint explained above. Any allegations, parties, or requests for relief from prior papers
11 that are not carried forward in the amended complaint will no longer be before the court. Plaintiff is cautioned
12 that if he fails to file an amended complaint within the time period specified above, the action will be dismissed.
13 Plaintiff shall clearly title the amended complaint as such by placing the words "AMENDED COMPLAINT"
14 on page 1 in the caption, and Plaintiff shall place the case number, 3:12-cv-00179-LRH-WGC, above the
15 words "AMENDED COMPLAINT" in the space for "Case No."

16 IT IS SO ORDERED.

17 DATED this 6th day of July, 2012.



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20 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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